

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RYDEX, LTD.,

Plaintiff,

v.

FORD MOTOR CO., ET AL.,

Defendants.

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Civil Action No. 4:11-cv-00122

JOINT MOTION TO DISMISS

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, Plaintiff Rydex, Ltd. (“Rydex”) and Defendant Mercedes-Benz USA, LLC (“MBUSA”) jointly stipulate as follows:

1. Rydex dismisses with prejudice all claims against Mercedes-Benz USA, LLC and further covenants not to sue MBUSA or any of MBUSA’s affiliates based on allegations that activities related to the products accused by Rydex in this lawsuit infringe U.S. Patent No. 5,204,819 (“the ‘819 patent”);

2. Defendant Mercedes-Benz USA, LLC dismisses without prejudice its counterclaims for invalidity and non-infringement of the ‘819 patent; and

3. Rydex and MBUSA both agree to pay their own costs, attorneys’ fees, and expenses incurred in connection with this lawsuit.

Rydex and MBUSA request that the Court enter the stipulation as an order, and dismiss MBUSA as a party to this lawsuit. A proposed order is attached.

Dated: January 21, 2013

Respectfully submitted,

/s/ Stephen F. Schlather

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Agreed Motion has been filed pursuant to the electronic filing requirements of the United States District Court for the Southern District of Texas on this 21st day of January, 2013, which provides for service on counsel of record of all parties in accordance with the electronic filing protocols in place.

/s/ Stephen F. Schlather

Stephen F. Schlather